

**Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress**

In re

**DISTRIBUTION OF SATELLITE
ROYALTY FUNDS**

**CONSOLIDATED DOCKET NO.
14-CRB-0011-SD (2010-13)**

**SETTLING DEVOTIONAL CLAIMANTS' MOTION TO COMPEL COMMERCIAL
TELEVISION TO RESPOND TO INQUIRY, AND REQUEST FOR EXPEDITED
CONSIDERATION**

The Settling Devotional Claimants ("SDC") hereby move the Judges to compel Commercial Television Claimants ("CTV") to respond to the SDC's inquiry relating to questions raised by CTV's privilege log. The SDC respectfully request the Judges to set an expedited briefing schedule on this motion to allow resolution in advance of the hearing scheduled to begin on October 21, 2019.

As required by the Judges' Order Compelling CTV to Produce Privilege Log (Sep. 12, 2019), CTV produced its privilege log on September 15, 2019. The privilege log raises several questions, which the SDC posed to CTV's counsel by email on September 16, 2019. Counsel's email exchange is attached hereto as Ex. 1.

1. The earliest communication shown in CTV's privilege log appears to be an email from [REDACTED] (entry 3). CTV's expert witness, Dr. Christopher Bennett and CTV's other counsel, Mr. David Ervin and Ms. Ann Mace, are listed in the cc line. The subject of the email is identified as [REDACTED] (emphasis added), which suggests that the author assumed the recipients' knowledge of earlier results.

The mystery is heightened by the fact that CTV's counsel has informed the SDC's counsel that the folder names within the "Screen Sharing" folder in CTV's supplemental production contains the dates on which regression model results were shared with Professor Crawford. *See* Ex. 2. If the email entitled [REDACTED] was in fact the earliest communication about regression specifications and results, then it raises a question as to how the regression model results were communicated to Professor Crawford in Switzerland on the earlier dates shown in CTV's supplemental production. (The dates from CTV's supplemental production are displayed in the headers of Appendix A to the Rebuttal Testimony of Erkan Erdem, Ph.D. (Aug. 26, 2019).)

The SDC requested CTV's counsel to confirm, notwithstanding the subject line's reference to the [REDACTED], that entry 3 is in fact the earliest communication relating to any regression specifications or results.

2. The email with the subject [REDACTED] appears to attach an Excel spreadsheet entitled [REDACTED] (entry 4). A subsequent email late that evening, apparently in the same chain, appears to attach an Excel spreadsheet entitled [REDACTED] (entry 2). CTV's supplemental discovery responses say that "[t]o the best of CTV's knowledge, no such communications [withheld on the basis of work product immunity] contain any responsive data or analyses that are not included in the data that has been preserved and is being produced," suggesting that these two spreadsheets should be among the files already produced. SDC's Motion to Enforce Order on Motion to Compel (Aug. 12, 2019), at Ex. 11 p. 3. But CTV's supplemental production does not contain any spreadsheets that have file names corresponding to these two spreadsheets referenced in

CTV's privilege log, nor do the apparent dates in the names of these spreadsheets match with the folder names or the metadata of any of the files CTV produced.

Regardless of whether the emails transmitting the spreadsheets are properly protected by work product, the privilege log does not establish that the spreadsheets themselves are protected by work product, because they appear to contain the results of tests considered by CTV's experts. The SDC requested CTV to produce the spreadsheets or, alternatively, to identify the files already produced that correspond with these two spreadsheets.

3. Similarly, it appears that an email dated [REDACTED] (entry 13) attaches a spreadsheet entitled [REDACTED] (entry 14). As with the spreadsheets referenced above, neither the name nor the apparent date of this spreadsheet appears to correspond with any file in CTV's supplemental production. The SDC requested CTV to produce this spreadsheet or identify the file in CTV's production to which it corresponds.

4. It appears that CTV's privilege log identifies emails relating to [REDACTED] [REDACTED] (entry 32), which the SDC do not recall being mentioned before, and [REDACTED] [REDACTED] (entry 33). But it does not appear that CTV has asserted a privilege with respect to the SNL Kagan data itself or any "other third party data" that CTV's experts may have considered. The SDC requested CTV to produce the SNL Kagan data and any "other third party data" that CTV's experts considered.

To all of the SDC's requests, CTV's counsel responded cryptically, "We believe that the questions you ask below will be resolved by the Judges' *in camera* review of the documents. We will defer a response until we receive further guidance from the Judges."

Because the SDC have not seen the documents listed on CTV's privilege log, the SDC cannot exclude the possibility that the Judges' *in camera* review would resolve the SDC's questions (although the SDC fail to see how or why the Judges would provide an answer without being aware of the SDC's questions). But even so, the SDC do not believe it is the Judges' responsibility to answer reasonable inquiries between counsel relating to completeness of discovery. Rather, the Judges have ordered CTV to state affirmatively if no further responsive documents exist (Order Granting SDC Motion to Compel at 7), and have ordered CTV to produce a privilege log containing information sufficient to allow opposing parties to test the assertion of privilege (Order Compelling CTV to Produce Privilege Log at 1).

The Judges have repeatedly expressed their preference that counsel resolve questions like these between themselves in the first instance. For example, in their ruling on the SDC's motion to strike the testimony of Professor Gregory Crawford, the Judges held, "If the SDC were concerned that CTV was interpreting their follow-up request too narrowly, it could have clarified the request with CTV's counsel or, if the SDC suspected that CTV had responsive documents that it was not providing, the SDC could have filed a motion to compel." Order Denying SDC Motion to Strike Testimony of Gregory S. Crawford, No. 14-CRB-0010-CD (2010-13) (Apr. 16, 2018) at 5. Both conditions clearly apply here. And because it would have been easy enough for CTV simply to answer the inquiry and confirm that there are no further responsive documents if that were the case, the SDC's concerns are only heightened by CTV's unexplained refusal to do so.

Conclusion

For the foregoing reasons, the SDC request the Judges to grant this motion.

Date: September 18, 2019

Respectfully submitted,

SETTLING DEVOTIONAL CLAIMANTS

/s/ Matthew J. MacLean

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Counsel for Settling Devotional Claimants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent electronically and served by filing on eCRB or by email on September 18, 2019, to all parties registered to receive electronic notices through eCRB.

/s/ Matthew J. MacLean
Matthew J. MacLean

**Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress**

In re

**DISTRIBUTION OF SATELLITE
ROYALTY FUNDS**

**CONSOLIDATED DOCKET NO.
14-CRB-0011-SD (2010-13)**

**DECLARATION OF MATTHEW J. MACLEAN IN SUPPORT OF SETTLING
DEVOTIONAL CLAIMANTS' MOTION TO COMPEL COMMERCIAL TELEVISION
TO RESPOND TO INQUIRY**

I, Matthew J. MacLean, hereby state and declare as follows, based on my personal knowledge:

1. I am a partner in the law firm of Pillsbury Winthrop Shaw Pittman LLP, and am counsel for the Settling Devotional Claimants in the above-captioned proceeding.
2. Following receipt of the privilege log filed by Commercial Television Claimants ("CTV") on September 15, 2019, I reviewed CTV's privilege log, and I also again reviewed CTV's supplemental document production previously produced. Because CTV's privilege log raised certain questions about both the completeness of CTV's supplemental production and the completeness of CTV's privilege log, I wrote an email to CTV's counsel on the next day, September 16, 2019, requesting clarification and production of certain documents. CTV's counsel responded by email on the following day.
3. Attached hereto as Exhibit 1 is a true and correct copy of the email exchange between me and CTV's counsel. The factual assertions contained in my email to CTV's counsel are true and correct, based on my review of CTV's privilege log and supplemental production.
4. Attached hereto as Exhibit 2 is a true and correct copy of an email I sent to CTV's counsel on August 12, 2019, following up on a telephone conference that I had with CTV's

counsel earlier that day. My email constitutes a true and accurate summary of the discussion that took place on the conference call. CTV's counsel did not respond to my email.

5. The SDC are filing their motion and the attached email under seal, because the documents contain information designated as Restricted by CTV in the Declaration of Ann Mace Supporting "Restricted" Filing of Privilege Log, filed on September 15, 2019. The SDC are filing a redacted version publicly, redacting the information designated as Restricted by CTV.

Executed September 18, 2019, in McLean, Virginia.

/s/ Matthew J. MacLean
Matthew J. MacLean

EXHIBIT 1

MacLean, Matthew J.

From: Mace, Ann <AMace@crowell.com>
Sent: Tuesday, September 17, 2019 5:15 PM
To: MacLean, Matthew J.; Stewart, John; Ervin, David
Cc: 'Arnold Lutzker' (arnie@lutzker.com); Ben Sternberg (Ben@lutzker.com); Nyman, Jessica T.; Warley, Michael A.
Subject: RE: 2010-2013 Satellite: Public and Restricted Versions of CTV's Privilege Log

Matt,

We believe that the questions you ask below will be resolved by the Judges' *in camera* review of the documents. We will defer a response until we receive further guidance from the Judges.

Ann Mace

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From: MacLean, Matthew J. [mailto:matthew.maclea@pillsburylaw.com]
Sent: Monday, September 16, 2019 2:57 PM
To: Stewart, John; Ervin, David; Mace, Ann
Cc: 'Arnold Lutzker' (arnie@lutzker.com); Ben Sternberg (Ben@lutzker.com); Nyman, Jessica T.; Warley, Michael A.
Subject: RE: 2010-2013 Satellite: Public and Restricted Versions of CTV's Privilege Log

External Email

Dear John, Dave, Ann,

Thank you for sending your privilege log last night. We have a few questions. Would you please let us know the answers by tomorrow afternoon?

1. The earliest communication shown in this privilege log appears to be an email from [REDACTED] (entry 3). [REDACTED] The subject of the email is identified as [REDACTED] (emphasis added), which suggests that the author assumed the recipients' knowledge of earlier results. Notwithstanding the subject line's reference to the [REDACTED] and the fact that [REDACTED] can you confirm that this is in fact the *earliest* communication relating to any regression specifications or results?
2. The email with the subject [REDACTED] appears to attach an Excel spreadsheet entitled [REDACTED] (entry 4). A subsequent email late that evening, apparently in the same chain, appears to attach an Excel spreadsheet entitled [REDACTED] (entry 2). Your supplemental discovery responses say that "[t]o the best of CTV's knowledge, no such communications [withheld on the basis of work product immunity] contain any responsive data or analyses that are not included in the data that has been preserved and is being produced," suggesting that these two spreadsheets should be among the files already produced. But CTV's supplemental production does not contain any spreadsheets that have file names corresponding to these two spreadsheets referenced in your privilege log, nor do the apparent dates in the names of these spreadsheets match with the folder names or the metadata of any of the files CTV produced.

Regardless of whether the emails transmitting the spreadsheets are properly protected by work product, we do not believe the spreadsheets themselves are properly protected, because they apparently contain the results of tests considered by CTV's experts. Would you please produce these two spreadsheets? Alternatively, would you please identify the files that you already produced that correspond with these two spreadsheets?

3. Similarly, it appears that an email dated [REDACTED] (entry 13) attaches a spreadsheet entitled [REDACTED] (entry 14). As with the spreadsheets referenced above, neither the name nor the apparent date of this spreadsheet appears to correspond with any file in CTV's supplemental production. Would you please produce this spreadsheet or identify the file in CTV's production to which it corresponds?

4. It appears that your privilege log identifies emails relating to [REDACTED] (entry 32), which I do not recall being mentioned before, and [REDACTED] (entry 33). But it does not appear that you have asserted a privilege with respect to the SNL Kagan data itself or any "other third party data" that CTV's experts may have considered. Would you please produce the SNL Kagan data and any "other third party data" that CTV's experts considered?

Matt

Matthew J. MacLean | Partner

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matthew.maclea@pillsburylaw.com | website bio

From: Mace, Ann <AMace@crowell.com>

Sent: Sunday, September 15, 2019 10:46 PM

To: Kientzle, Michael <Michael.Kientzle@arnoldporter.com>; Cantor, Daniel A. <Daniel.Cantor@arnoldporter.com>; Olaniran, Greg <goo@msk.com>; Plovnick, Lucy <lhp@msk.com>; Dominique, Alesha <amd@msk.com>; Arnie Lutzker <arnie@lutzker.com>; Ben Sternberg <ben@lutzker.com>; MacLean, Matthew J. <matthew.maclea@pillsburylaw.com>; Warley, Michael A. <michael.warley@pillsburylaw.com>; Nyman, Jessica T. <jessica.nyman@pillsburylaw.com>

Cc: Stewart, John <JStewart@crowell.com>; Ervin, David <DErvin@crowell.com>

Subject: 2010-2013 Satellite: Public and Restricted Versions of CTV's Privilege Log

*** EXTERNAL EMAIL ***

Counsel,

Please see the attached documents filed tonight in eCRB.

Ann Mace

Crowell & Moring LLP | www.crowell.com

1001 Pennsylvania Avenue NW

Washington, DC 20004

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EXHIBIT 2

MacLean, Matthew J.

From: MacLean, Matthew J.
Sent: Monday, August 12, 2019 3:34 PM
To: 'Stewart, John'
Cc: Ervin, David; Mace, Ann; 'Arnold Lutzker'; Ben Sternberg; Nyman, Jessica T.; Warley, Michael A.
Subject: RE: Satellite 2010-2013: CTV Supplemental Production of 7/31

John, David, Ann,

Thanks for talking with us today. Going through the points for discussion laid out in my original email, I believe we reached the following conclusions:

1. This week, CTV will produce all code files underlying the regression results produced (regardless whether those code files were themselves considered by any particular witness). CTV does not believe there exists a glossary of variables and abbreviations, but is willing to try to provide us with further explanation of any variable or abbreviation that we are unable to interpret. CTV is unwilling to provide any communications or other documents (whether internal to Bates White or with counsel) containing analyses or descriptions of the regression specifications and results.
2. You have confirmed that all documents have their native metadata intact except for the one spreadsheet that we have identified as being "last modified" by CTV's counsel. You will produce the original native version of that spreadsheet with metadata intact.
3. You have confirmed that the names in the folder structure produced are the names used in the folder structure's native environment, and that the folder names indicate date and time. In the "Expert" folder, the dates reflect the dates on which the regressions were run, and in the "Screen Sharing" folder, the dates reflect the dates on which the results were shared with Professor Crawford. You do not know if all results that were shared with Professor Crawford are included in the "Screen Sharing" folder.

You explained that the hyperlinks in some spreadsheets are links to a Bates White folder where case-related information was kept, including data files. You were uncertain whether all documents in that folder have been produced. If there are documents in that folder that are responsive to the SDC's requests and have not been produced, then they should be produced.

4.a. You told us that the "incomplete satellite Statement of Account data" referenced in your discovery responses is a sample that Bates White obtained from SNL Kagan, which was intended to be used in an analysis to relate subscribers to location. CTV is unwilling to produce the data on the ground that it is proprietary to SNL Kagan. You also said that the data is in the possession of Bates White, but is not in the possession of CTV's counsel. I noted that we have not seen an analysis that appears to try to relate subscribers to location, and that the satellite regressions CTV produced appear instead to relate category minutes to fees paid, similar to other fee-based regressions that have been presented. We believe any objection based on the "proprietary" nature of the information is waived.

4.b. CTV is unwilling to produce further information or communications about any analysis that was conducted with regard to the satellite regressions based on CTV's assertion that documents that Dr. Heeb did not consider are not within the scope of discovery. We have explained why we disagree with CTV's position.

5. CTV is unwilling to produce communications relating to the regression analyses conducted, on the ground that it is either work product or outside the permissible scope of discovery. Because we believe these are the very questions that were decided by the Judges' order, we stand by our view that any communications or other documents, whether

internal to Bates White or with CTV's counsel, would be responsive and that a privilege log should have been produced as to any that are claimed to be protected by work product.

6. CTV is unwilling to withdraw its designation of the supplemental production as Restricted.

Please let me know if there is anything in this summary that you think I got wrong. As we discussed, we intend to file a motion addressing those items on which we were unable to reach agreement.

Matt

Matthew J. MacLean | Partner

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From: Stewart, John [mailto:JStewart@crowell.com]

Sent: Friday, August 09, 2019 3:31 PM

To: MacLean, Matthew J.

Cc: Ervin, David; Mace, Ann; 'Arnold Lutzker'; Ben Sternberg; Nyman, Jessica T.; Warley, Michael A.

Subject: RE: Satellite 2010-2013: CTV Supplemental Production of 7/31

Matt,

Thanks for your kind words (though I was not out of the office this week on vacation, and neither is Dave). We continue to believe it would be prudent to talk before you file a motion. Although you maintain that this is an unresolvable disagreement, we believe that at least some if not all of these issues can be resolved without the Judges' needing to do so.

We'll send an invitation for the meet and confer on Monday at 2:00.

Thanks,
John

John I. Stewart, Jr.

jstewart@crowell.com

Direct: 1.202.624.2685 | Fax: 1.202.628.5116

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From: MacLean, Matthew J. [mailto:matthew.maclean@pillsburylaw.com]

Sent: Friday, August 9, 2019 3:13 PM

To: Stewart, John

Cc: Ervin, David; Mace, Ann; 'Arnold Lutzker'; Ben Sternberg; Nyman, Jessica T.; Warley, Michael A.

Subject: RE: Satellite 2010-2013: CTV Supplemental Production of 7/31

External Email

John,

Thank you for getting back to me, and I hope you enjoyed your vacation.

First, and most importantly, it was good to see you and Ann yesterday. I thought your contributions to the discussion were truly excellent and convincing, and you delivered them with an economy of words that I thought was very powerful. I tried to catch you on the way out, but I didn't see you as I was leaving.

Second, as I tried and evidently failed to convey, I have not for a moment doubted your good faith. Rather, I am driven to doubt that your experts have fully informed you as to what Dr. Heeb considered. Instead of using the word "implausible," which may contain a connotation that I did not intend, maybe I should have said that I don't see how it is possible that a professional like Dr. Heeb would have had these regression results available without considering them, and I therefore have no choice but to pursue the question as to whether he did in fact consider them (or a summary or characterization of them), or whether he or somebody else made the tactical decision not to consider them.

Likewise with respect to the privilege log, your good faith is not in question. The issue is CTV's express noncompliance with the terms of the order, and the consequences that flow from the noncompliance. Those include consequences for us – lost time and the potential need to return to the Judges, and also consequences for you – potential waiver of any privilege. All of this is irrespective of good or bad faith. I understand your argument perfectly well. The problem is that it was already rejected.

As to your offer to provide additional information about the cable regression results, what we have asked for should not require any work to "create." We do not contend that you have an obligation to create any new documents. What we want are documents that presumably already exist in CTV's possession (like the code files) and documents as to which you have reasserted a blanket work product immunity (like correspondence about and analysis of the regression models).

I appreciate the offer to discuss the metadata and folder structure issues. But is a discussion necessary? If the metadata and folder structure still exist, you need only put them in a load file or just re-send us the documents in their native form. The documents have already been identified, so it should require little effort. This is a matter for your litigation support staff, not for you and me.

Finally, you have not addressed my request to withdraw your designation of the regression results as restricted under the protective order. The protective order allows three business days to respond to such a request, and I don't think any investigation should have been required. Will you please let me know if you will withdraw the restricted designation?

Of course I will find a way to be available to talk on Monday if we have something to discuss, but I don't see that we do. I do not think we have a misunderstanding; I think we simply have a disagreement – in good faith, to be sure – as to what is to be done here. With written rebuttal statements due in two weeks, we are really up against a wall with regard to timing, due to no lack of effort on my part. I believe we will file a motion shortly.

Matt

Matthew J. MacLean | Partner

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matthew.maclea@pillsburylaw.com | website bio

From: Stewart, John <JStewart@crowell.com>

Sent: Friday, August 9, 2019 1:55 PM

To: MacLean, Matthew J. <matthew.maclea@pillsburylaw.com>

Cc: Ervin, David <DErvin@crowell.com>; Mace, Ann <AMace@crowell.com>; 'Arnold Lutzker' <arnie@lutzker.com>; Ben Sternberg <Ben@lutzker.com>; Nyman, Jessica T. <jessica.nyman@pillsburylaw.com>; Warley, Michael A. <michael.warley@pillsburylaw.com>

Subject: RE: Satellite 2010-2013: CTV Supplemental Production of 7/31

Matt – Again, it is unfortunate that our travel schedules do not match up. I returned to the office yesterday, and have been digging into how we might be able to provide you with further responses to your requests. Some of your requests appear to be based on misunderstandings of what we provided, which I’m hoping we could clear up in a meet and confer. We want Dave to participate in the meet and confer, given that we have split up responsibilities for the case, and he would be able to do so Monday afternoon at 2:00. Are you or your team available for a call then?

Based on what we have found so far, it appears, first, that we would be able to provide you with additional information about the preliminary cable regression results documents we provided, although it would require a significant amount of new work to create. We’d like to talk with you or your team to understand whether and how that will be helpful to you, so we can provide it in the most useful form.

We should be able to provide an explanation of the file structure, file names, and the absence of metadata in the preliminary cable regression documents. Again, we’d like to discuss this with you to make sure our additional explanations answer your questions.

With respect to the satellite regression documents, we represented to you that Dr. Heeb had not reviewed or considered the documents we provided, because they were therefore expressly outside the scope of your discovery request, but we produced them anyway based on our understanding of what the Judges appear to have expected. Although your response, without further discussion, was that our representation is “implausible,” we are acting in good faith and would wish to be treated as such.

We would like to discuss your privilege log and confidentiality questions, because, again, we believe there may be a misunderstanding, and we’d like to have a mutual discussion to see whether it might be resolved, including our being open to modifying our position. But we adopted our position and provided our explanations to you in good faith, and would not want them to be rejected without a chance to discuss them with you in order to avoid misunderstandings.

We intend to provide specific written responses to your follow-on questions after we have been able to confer, so that as many of your questions and issues as possible can be resolved beforehand.

Thanks,
John

John I. Stewart, Jr.

jstewart@crowell.com

Direct: 1.202.624.2685 | Fax: 1.202.628.5116

Crowell & Moring LLP | www.crowell.com

1001 Pennsylvania Avenue NW

Washington, DC 20004

From: Mace, Ann

Sent: Wednesday, August 7, 2019 10:11 AM

To: MacLean, Matthew J.

Cc: Ervin, David; Stewart, John; 'Arnold Lutzker'; Ben Sternberg; Nyman, Jessica T.; Warley, Michael A.

Subject: RE: Satellite 2010-2013: CTV Supplemental Production of 7/31

Matt ,

We're sorry you will be out of the office next week. Unfortunately, John has been out of the office through today, and Dave will be out of the office the rest of the week.

We are continuing to work on accommodating as many of your requests as we can, but they are requiring further investigation, especially given that the requests involve work done by our consultant in a different case back in 2016. Our investigations are not yet complete.

To help address your schedule, we can try to let you know by tomorrow or Friday of several of the follow-on requests that we will be able to provide additional materials for. We would like to have a meet and confer with you or your colleagues next week to discuss any items we have not yet been able to provide, so we can be sure we both have a correct understanding of the issues. After the meet and confer, we would be in a position to provide you with written responses to your follow-on requests, so the record will be complete.

Thanks, Ann

Ann Mace

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From: MacLean, Matthew J. [<mailto:matthew.maclea@pillsburylaw.com>]

Sent: Tuesday, August 6, 2019 2:45 PM

To: Mace, Ann

Cc: Ervin, David; Stewart, John; 'Arnold Lutzker'; Ben Sternberg; Nyman, Jessica T.; Warley, Michael A.

Subject: RE: Satellite 2010-2013: CTV Supplemental Production of 7/31

External Email

Ann,

Given the schedule that this case is on, including the upcoming deadline for written rebuttal statements, we'd like to move faster on this. Also, as it happens, I will be out of town next week. Can we talk today or tomorrow?

At a minimum, I would ask that you tell me if there are requests in my email that you know you will not agree to, even if there are some loose ends remaining in your investigation. As you know, I have long believed that the discovery issues here could have been resolved much earlier if CTV had made its position clear when the SDC first indicated their intention to request the material at issue.

Matt

Matthew J. MacLean | Partner

Pillsbury Winthrop Shaw Pittman LLP

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matthew.maclea@pillsburylaw.com | website bio

From: Mace, Ann <AMace@crowell.com>

Sent: Tuesday, August 6, 2019 2:28 PM

To: MacLean, Matthew J. <matthew.maclea@pillsburylaw.com>

Cc: Ervin, David <DErvin@crowell.com>; Stewart, John <JStewart@crowell.com>

Subject: Satellite 2010-2013: CTV Supplemental Production of 7/31

*** EXTERNAL EMAIL ***

Matt,

I wanted to give you a further update regarding your request for additional information. We are considering what additional information we can provide, but are still investigating. May we schedule a meet and confer for Monday at 1pm?

Thanks, Ann

Ann Mace

Crowell & Moring LLP | www.crowell.com

1001 Pennsylvania Avenue NW

Washington, DC 20004

amace@crowell.com

202.624.2711 | Fax: 1.202.628.5116

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Proof of Delivery

I hereby certify that on Wednesday, September 18, 2019, I provided a true and correct copy of the Motion to Compel Commercial Television to Respond to Inquiry, and Request for Expedited Consideration to the following:

MPAA-represented Program Suppliers, represented by Gregory O Olaniran, served via Electronic Service at goo@msk.com

Major League Soccer, LLC, represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

Settling Devotional Claimants, represented by Jessica T Nyman, served via Electronic Service at jessica.nyman@pillsburylaw.com

Motion Picture Association of America (MPAA)-Represented Program Suppliers, represented by Gregory Olaniran, served via Email

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI), represented by Jennifer Criss, served via Email

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via Electronic Service at smosenkis@yahoo.com

Joint Sports Claimants, represented by Michael E Kientzle, served via Electronic Service at michael.kientzle@apks.com

Spanish Language Producers, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Broadcaster Claimants Group, represented by Ann Mace, served via Electronic Service at amace@crowell.com

Broadcast Music, Inc. (BMI), represented by Jennifer T. Criss, served via Electronic Service at jennifer.criss@dbr.com

SESAC, Inc., represented by John C. Beiter, served via Electronic Service at
jbeiter@lsglegal.com

National Public Radio, Inc. (NPR) (submitted comment), represented by Gregory A Lewis,
served via Electronic Service at glewis@npr.org

Signed: /s/ Matthew J MacLean